

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORGANIZATION FOR THE ADVANCEMENT
OF MINORITIES WITH DISABILITIES, et al.,

No. C 04-3388 PJH

ORDER TO SHOW CAUSE

Plaintiff,

v.

RAMADA LIMITED-DOWNTOWN, et al.,

Defendant.

Plaintiffs in the above-entitled matter having failed to appear at the case management conference on September 1, 2005, and having failed to file a case management conference statement, and defendant Varsha Patel, having filed a case management conference statement and having appeared at that proceeding in compliance with the Court's orders,

THE COURT hereby issues an ORDER TO SHOW CAUSE why plaintiffs' claims should not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and for failure to comply with the orders of this court. The complaint in this matter was filed on August 18, 2004, and this matter has been pending for some time without any activity regarding the defendants other than Varsha Patel. Plaintiff's *ex parte* request to continue the case management conference because plaintiffs have not been able to "solidify the proper defendants," was denied and plaintiffs were expected to appear at the conference scheduled for 2:30 p.m. Despite the fact that this matter was heard last on the court's calendar, no one appeared for plaintiffs. The undersigned was advised, however, that plaintiffs' counsel arrived at the courtroom after adjournment and after defendant's counsel had departed. When the calendar is hort, a late appearance can amount to a non-appearance and this court so finds.

A hearing on the order to show cause is scheduled for September 15, 2005, at 2:30 p.m. If plaintiffs fail to appear at the hearing, the case may be dismissed for failure to prosecute. In order to avoid further inconvenience to defendant's counsel, her appearance will be waived if the parties stipulate to the

dismissal of Varsha Patel as having been improperly named and served in this matter.

IT IS SO ORDERED.

Dated: September 1, 2005



PHYLLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE